#### STATE OF VERMONT

### HUMAN SERVICES BOARD

In re	)	Fair	Hearing	No.	20,124
	)				
Appeal of	)				

### INTRODUCTION

The petitioner appeals a decision of the Office of

Vermont Health Access (OVHA) not to provide Medicaid coverage

for hospital and physician services the petitioner received

in Massachusetts in March 2005. The issue is whether the

hospital and physicians in questions were Vermont Medicaid

providers at the time they rendered the services

# FINDINGS OF FACT

- 1. The petitioner has received Medicaid benefits for some time and in the past has received covered services from doctors at Massachusetts General Hospital, most recently in January 2005.
- 2. Between March 4 and 22, 2005, the petitioner received physician services from four different doctors at Mass. General. The Department has notified him that none of these services were covered by Medicaid because at the time the services were rendered none of these doctors were enrolled as Vermont Medicaid providers.

- 3. The petitioner represents that on the days these services were rendered he presented his Medicaid card to these physician's offices, and that they did not tell him that the services would not be covered.
- 4. The petitioner does not dispute the Department's representation that these doctors had allowed their enrollment in Vermont Medicaid to lapse before March 1, 2005.
- 5. These doctors have since billed the petitioner for these services.

### ORDER

The Department's decision is affirmed.

## REASONS

The Medicaid regulations specifically preclude payments for "items and services ordered by an individual not enrolled as a Medicaid provider". W.A.M. § M151.1(I). The regulations define providers as those "currently approved to provide medical assistance to a beneficiary pursuant to the Vermont Medicaid Program". Id. § M155.1. In this case, the petitioner does not dispute the Department's representation that the providers in question were not enrolled in Vermont Medicaid when they treated the petitioner in March 2005.

At the hearing, held on March 3, 2006, the petitioner was advised that provisions of Vermont consumer protection laws may preclude the providers from being able to bill the petitioner for services that they did not disclose to him were not covered by Medicaid—something it appears they should have known at the time they rendered the services in question. The petitioner was advised to contact the Vermont Attorney General's Office, Consumer Protection Division if these providers continue to bill him.

However, inasmuch as the Department's decision not to cover the services in question under Medicaid appears supported by the regulations and the pertinent facts, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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